

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
BAKERSFIELD FIELD OFFICE
ENVIRONMENTAL ASSESSMENT**

**Tepusquet Hiatus Direct Sale: CACA 51350
DOI-BLM-CA-C060-2010-0094-EA**

Chapter 1. Purpose and Need

PURPOSE AND NEED

The Bakersfield Field Office is proposing to conduct direct sales of BLM managed lands to seven adjacent landowners. All BLM parcels proposed for sale are located within the Tepusquet Hiatus, a long, narrow 379.19 acre sliver of steep, hilly federal lands located in Santa Barbara County, CA.

The hiatus originated with a faulty United States land survey in 1900, and subsequent homesteading up to an incorrect rancho boundary line. The original Government Land Office survey of the Tepusquet and Sisquoc Spanish land grant boundaries in 1860 were not adequately marked and field notes were lost. A re-survey in 1900 attempted to re-establish the former lines, but missed the mark, creating a "hiatus". Adjacent lands were homesteaded and patented into private ownership, but this sliver remained Federal land. Historically, the surrounding private ranches have believed they owned the federal lands and have treated the sliver as part of their ranches.

The hiatus was officially recognized by the federal government in a BLM dependent re-survey of the area in 1989, done at the request of Santa Barbara County to address other title problems known to occur in the township. The 1989 survey was protested, and the acceptance was suspended. The protest was resolved and the suspension lifted, paving the way for disposal of the hiatus area, which has no legal public access.

There is a need to resolve this long-standing property title issue and allow the adjoining landowners to acquire clear title to these parcels.

The purpose of the proposed action is transfer the public lands described above into private ownership to: (1) dispose of isolated federal lands which are difficult and uneconomic to manage, (2) to eliminate the narrow strip of public lands lying in between large acreages of private ranches, and (3) to generate funds for the land disposal account established pursuant to the Federal Land Transaction Facilitation Act (FLTFA).

In anticipation of some action to resolve the situation, BLM conducted a resurvey of the hiatus in 2003. This resurvey divided the hiatus into appropriate parcels for transfer to adjoining landowners, but did not affect the United States' ownership of the hiatus lands. The landowners have made us aware of their desire to acquire clear title to the hiatus and are willing to pay fair market value for the parcels. The parcels have a total appraised value of \$104,000.

CONFORMANCE WITH BLM LAND USE PLANS

The BLM managed lands within the Tespuquet Hiatus fall within the Coast Management Area of the Caliente Resource Management Plan (RMP) approved May 5, 1997. This management plan has been reviewed to determine if the proposed action conforms with the land use plan, terms and conditions as required by 43 CFR 1610.5-3(a).

The subject public lands were identified for repositioning (disposal) in the 1993 Caliente Draft RMP and Environmental Impact Statement (EIS), Appendix C-4, p. 524. The DRMP/EIS identified approximately 55,000 acres of public land for disposal in the preferred alternative (p. 384) and concluded that “privatization of the public land may increase opportunities to meet some rural residential growth needs, while impacts to open space are expected to be slight,” and “[t]he land tenure adjustments proposed would not significantly affect the open space and rural settings, nor significantly change the net acreage of public and private lands” (DRMP/EIS, p. 244). The Final EIS (December 1996) also identified these lands and made the same conclusions (FEIS, p. 95). These analyses are incorporated by reference.

RELATIONSHIP TO STATUTES, REGULATIONS AND OTHER PLANS

The sales will be completed under authority of Section 203 of the Federal Land Policy and Management Act of October 21, 1976, as amended (43 U.S.C. 1701, 1713).

Chapter 2. Proposed Action and Alternatives

ALTERNATIVE 1: PROPOSED ACTION

The proposed action is a direct sale of seven parcels of federal land totaling 379.19 acres parcel of public land to seven adjacent landowners. The public land is located in Santa Barbara County, California and is described as follows:

Buyer	Lot	Section	Township	Range	Acres
West Bay LLC	22	29	10	32	14.59
West Bay LLC	23	29	10	32	10.96
West Bay LLC	3	32	10	32	1.74
West Bay LLC	10	33	10	32	0.25
West Bay LLC	2	30	10	32	4.14
Acres Subtotal					31.68
Leo Moore Trust	20	29	10	32	1.13
Leo Moore Trust	21	29	10	32	3.46
Acres Subtotal					4.59
Acquistapace Ranches LLC	19	29	10	32	14.49
Acquistapace Ranches LLC	2	32	10	32	0.35

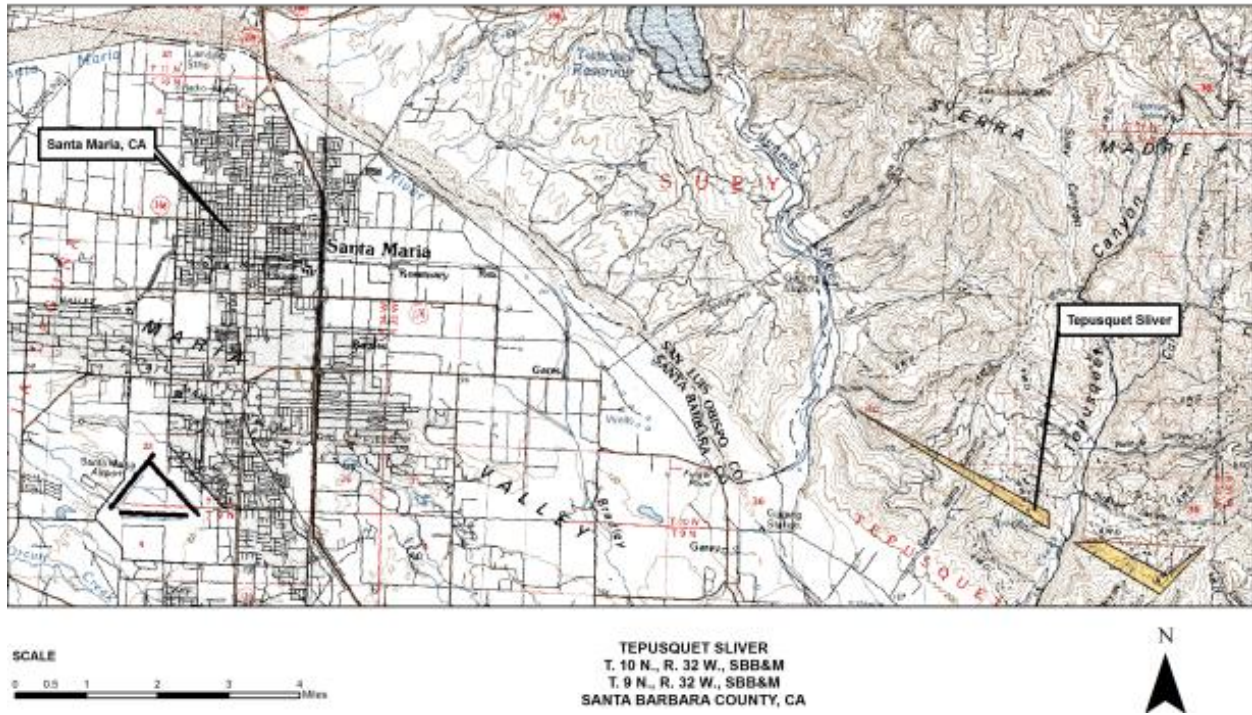
Buyer	Lot	Section	Township	Range	Acres
Acquistapace Ranches LLC	13	28	10	32	0.95
Acquistapace Ranches LLC	9	33	10	32	45.56
Acquistapace Ranches LLC	8	34	10	32	33.32
Acres Subtotal					94.67
Lone Pine LLC	1	3	9	32	4.34
Acres Subtotal					4.34
Tepusquet Ranch	11	33	10	32	18.05
Acres Subtotal					18.05
Lenore Penny Revocable Trust	12	33	10	32	9.57
Lenore Penny Revocable Trust	9	34	10	32	18.24
Acres Subtotal					27.81
Charles Minetti LLC	5	2	9	32	37.69
Charles Minetti LLC	6	2	9	32	35.84
Charles Minetti LLC	7	2	9	32	34.03
Charles Minetti LLC	8	2	9	32	24.40
Charles Minetti LLC	6	1	9	32	9.35
Charles Minetti LLC	7	1	9	32	17.93
Charles Minetti LLC	8	1	9	32	38.81
Acres Subtotal					198.05
TOTAL ACRES					379.19

The adjacent landowners would purchase the parcels from the United States (U.S.) for the appraised fair market value of the land. The sales would include the conveyance of both the surface and mineral estate.

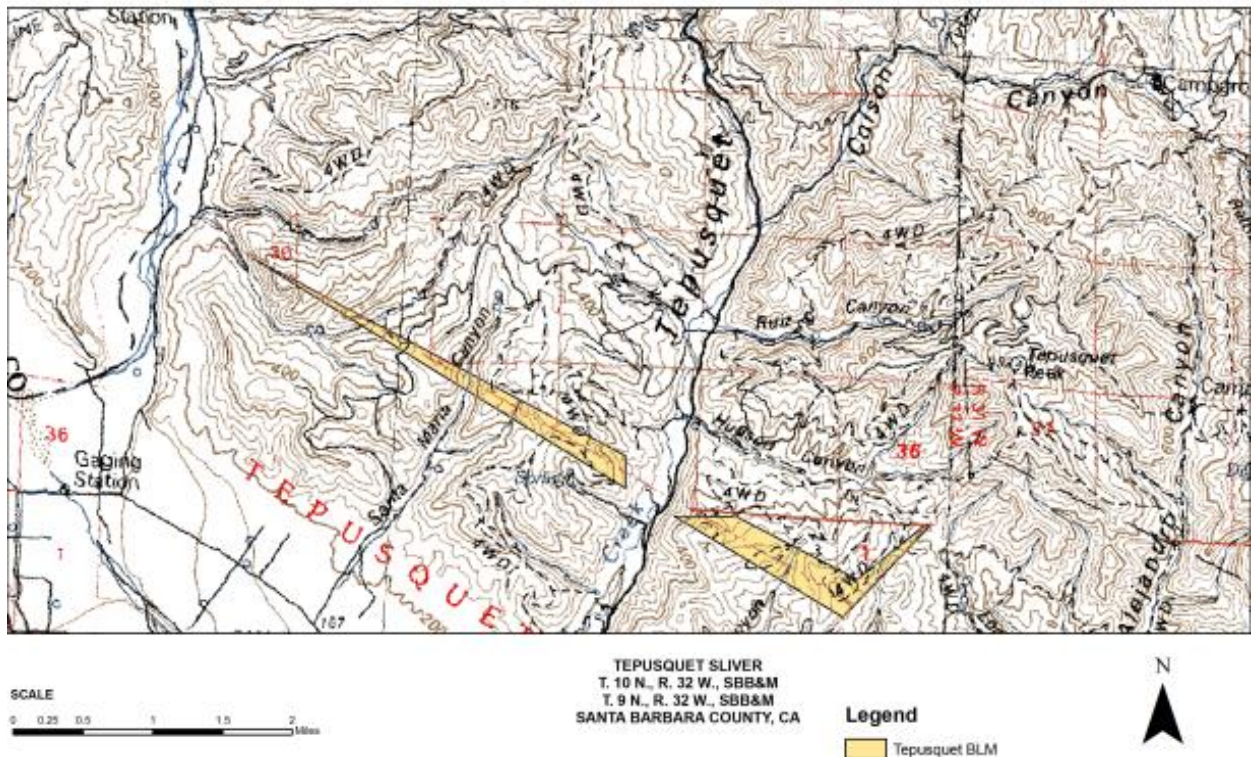
ALTERNATIVE 2: NO ACTION

Under the No Action Alternative, the parcels would not be sold to the adjacent landowners. The public lands would remain as unmanaged parcels of federal land under BLM administration without legal administrative or public access. While no active BLM management is anticipated, some law enforcement and fuels management activities may be required by BLM as long as the parcels remain under Federal jurisdiction.

TEPUSQUET HIATUS VICINITY MAP



TEPUSQUET HIATUS



ALTERNATIVES CONSIDERED BUT ELIMINATED FROM DETAILED ANALYSIS

Disposal of Federal Parcel by Competitive Sale Method

BLM considered selling the parcels through a competitive or modified competitive bid process. This alternative was dismissed from detailed consideration because the public lands are completely surrounded by private lands owned by seven different landowners who control access to the parcels. Due to the lack of legal access, limited utility due to steep topography, and configuration, it is unlikely the parcels would attract any other bidders if offered for sale through a competitive bid process. The additional time and expense of conducting a competitive bid sale would not be warranted.

Disposal of Federal Parcel by Exchange

BLM also considered exchanging the federal parcels, but concluded a direct sale would be the most cost effective means of transferring the parcel into private ownership.

Chapter 3. Affected Environment

Air Quality:

The parcels proposed for transfer by direct sale are located in Santa Barbara County, which occurs in the South Central Coast air basin. Santa Barbara County is designated as Unclassified/Attainment with the National Ambient Air Quality Standards (NAAQS) for ozone, PM10 and PM2.5, carbon monoxide, nitrogen dioxide, and sulfur dioxide. According to the 2010 State area designations, the County is designated as unclassified with the PM2.5 standard and is in non-attainment with ozone and PM10 standards.

Cultural Resources:

A field reconnaissance for cultural resources was completed by CAL Heritage for the BLM on January 29th and 30th, 2010. Robert Parr, archaeologist with Cal Heritage, worked with BLM archaeologist Kimberly Cuevas to identify areas most likely to contain cultural resources among the steep terrain in the Tepusquet Parcel. On those landforms that were the most suitable for cultural sites, an intensive survey was conducted with transects 5 to 10 meters apart. No cultural resources were located as a result of the survey, which is consistent with areas of similar topography.

Additionally consultation with Native Americans was conducted in order to inform them of the proposal to transfer ownership of the Tepusquet parcel, and solicit any information they may want to share about cultural resources or sacred areas on the parcel. The tribal consultation did not result in the identification of cultural sites, or traditional cultural properties on the Tepusquet parcel.

Biological Resources:

The following enumeration of the biological resources present on the Tepusquet parcel come from a report prepared for the BLM by Diane L. Mitchell, Ph.D. (2010) that is incorporated by reference. This report was based on site visits on January 29th and 30th, as well as data from the California Natural Diversity Data Base (CNDDB) for the Tepusquet and Twitchell Dam USGS 7.5-minute quads.

The biological resources present on the Tepusquet parcel are representative of relatively widespread areas of the central coastal mountains. The long narrow property consists of a series of very steep hills and intermittent drainages with flatter ridges scattered along the transect. The property has a long history of cattle grazing and is currently a part of adjacent cattle ranchlands. A few dirt roads cross the parcel. Drainages that were observed had no flowing or standing water in them. All appear to be intermittent, although several short draws near Tepusquet Canyon are shown on the topographic map as perennial drainages.

Survey results indicated that sensitive species and habitats are unlikely on the Tepusquet parcel. It does not appear to have the aquatic resources necessary for a number of sensitive wildlife species (such as California red-legged frog, California tiger salamander, and western spadefoot) known mainly from the nearby Santa Maria Valley. In addition, no listed plant species are known or expected to occur based on an examination of the habitats present.

Vegetation

Vegetation on the Tepusquet parcel can be categorized into three general types: Non-native Annual Grassland, Oak Woodland, and Coastal Sage Scrub.

Non-native Annual Grassland is generally found on exposed ridgetops and upper south-facing slopes. Dominant species are red-stemmed filaree (*Erodium cicutarium*), fiddleneck (*Amsinckia menziesii*), pepper grass (*Lepidium nitidum*), and annual grasses. In slightly more mesic areas of the grassland or among rockier soils, perennial needlegrass (*Nasella* sp.) occurs occasionally. In areas of heavy cattle use, introduced weedy species such as cheeseweed (*Malva parviflora*), Mediterranean mustard (*Hirschfeldia incana*), and milk thistle (*Silybum marianum*) are also found.

The Oak Woodland, dominated by coast live oak (*Quercus agrifolia*), is usually a mix of live oaks of varying density and Non-native Annual Grassland, and occurs on the north sides of ridges, and on some north-facing slopes. In protected draws, oak stands become moderately dense, with much less grassland in between oaks. Poison oak (*Toxicodendron diversilobum*), coyote bush (*Baccharis pilularis*), and California sagebrush (*Artemisia californica*) also occur in the oak woodland. Narrow draws and canyon bottoms were the most mesic areas and had coffeeberry, ceanothus, and ferns at the very bottom, mixed in with denser oaks than the surrounding hillslopes and ridges. Occasionally, valley oak (*Quercus lobata*) was found mixed in with coast live oak on the protected edges of broad ridges and in small, more mesic draws with deeper soils. Blue oak (*Quercus douglasii*) is found to a lesser extent on the Hiatus property. Most of the blue oaks were observed on the eastern section where west and south-facing slopes occur more frequently than on the western section. Several rocky ridges and knolls, with some exposed shaley bedrock, had pure stands of blue oak on them.

Coastal sage scrub, dominated by sages (*Salvia* spp.), occurs mainly on very steep south-facing slopes. Bush lupine (*Lupinus* sp.) and California sagebrush (*Artemisia californica*) may also occur with the sages. The most common sage is purple sage (*Salvia leucophylla*).

Rare Plants

No listed plant species are expected to occur on the property. The grassland, woodland, and scrub habitats are widespread, and no unique soils or habitat types were found.

Of the potentially occurring sensitive, plant species (Table 2 above), all of which are CNPS List 1B, it is possible that umbrella larkspur may occur within a very few small areas of the parcel that have very moist oak woodland (e.g., north-facing, lower slopes in the eastern portion of the parcel). This is a “widespread” CNPS List 1B plant (“1B.3”) and considered BLM sensitive. This plant is reported from another canyon several miles east of Tepusquet Canyon.

The other two plants, initially considered to be potentially occurring, Miles’ milk-vetch and mesa horkelia, are not expected to occur on the Tepusquet parcel. Miles’ milk-vetch is a plant of lower elevation grassland/coastal scrubland with clay soils. This type of habitat does not occur on the parcel. Mesa horkelia is found most commonly on sandy mesas and other dry, sandy sites (e.g., old collection at Sisquoc) that are not found within the parcel.

Wildlife

Wildlife present on the Tepusquet parcel are those species typical of central coastal California oak woodland, scrub, and grasslands. Mule deer were regularly observed during the survey. Also present were California ground squirrel and Botta pocket gopher. Other small rodents are to be expected. Other large mammals typically found in habitats such as those of the parcel include wild boar, mountain lion, bobcat, and gray fox. Birds observed during the recent survey included turkey vulture, red-tailed hawk, American kestrel, California quail, common raven, acorn woodpecker, Brewer’s blackbird, and plain titmouse. Reptiles and amphibians expected to be present include rattlesnake, California kingsnake, western fence lizard, southern alligator lizard, and California newt.

No sensitive wildlife species or their sign were found in the survey of the Tepusquet parcel. The habitat features that are required by potentially occurring sensitive species were not observed, either in the field or based on aerial photographs and topography.

A number of the listed and other sensitive wildlife species in the Santa Maria area require vernal pools, ponds, or some other source of water for portions of the year. These features were not found in the parcel. Therefore, species that require these types of wet habitat, including the California red-legged frog, California tiger salamander, tri-colored blackbird, and western spadefoot were ruled out as potentially occurring in the parcel. Known occurrences of these species are in the broad Santa Maria Valley, to the west of the parcel, with one red-legged frog occurrence in the North Fork La Brea Creek area of the Los Padres National Forest.

Other rare animals considered to be potentially occurring can be largely ruled out based on lack of habitat. The parcel has none of the sandy wash habitat of the Santa Maria Valley which supports populations of coast horned lizard and arroyo toad. Similarly, roosting sites for the pallid bat, such as large rocky areas, bridges and other features, are not present on the parcel.

Hazardous Materials

A Phase I Environmental Site Assessment has been completed for the federal lands and is incorporated by reference. No evidence of “recognized environmental conditions” (RECs) were discovered.

Mineral Potential

A Mineral Report has been prepared by the Bakersfield Field Office geologist and engineer, with input from Ridgecrest and the CASO, and reviewed and approved by the CA State Office; it is incorporated by reference. There are presently no Federal mineral leases, mining claims, or authorized mineral material disposals on this parcel. Although this parcel is mapped as having high potential for oil and gas on a large scale, a more detailed review showed that local potential was low. There is also low potential for other minerals.

The Mineral Report recommends that the entire mineral estate be disposed of with the surface estate.

Recreation

The parcels are landlocked and have no legal road or foot access. Recreational opportunities are limited to the adjacent landowner or those with permission to cross private lands.

Soil Resources

Four soil series occur on the Tepusquet parcel: Lopez, Santa Lucia, Sedimentary rock land series, and rock outcrops. The Lopez and Santa Lucia series are well drained to somewhat excessively drained, shaly clay loams underlain by shale bedrock. Soils on these parcels have slopes ranging from 9 to 100 percent, and are used for very limited range, for wildlife and watershed. Sedimentary rock land consists of very steep to extremely steep upland areas of shallow soil on sandstone and shale bedrock. Runoff is very rapid and in absence of vegetative cover the hazard of erosion is severe. As a result of slope and physical characteristics, the sedimentary rock land soils are suitable for use only as watershed.

Water Quality

Although the USGS 7.5 minute quadrangle map indicates that several perennial drainages occur on the parcel proposed for transfer through sale, these mainly appear as intermittent drainages that may seasonally support surface waters. No drainages were observed to support surface waters during the biological field survey conducted by Diane L. Mitchell, Ph.D. on January 29-30, 2010.

Existing Rights or Uses

There are no current grazing permits or other authorizations on the subject parcels.

Chapter 4. Environmental Impacts

ALTERNATIVE I: PROPOSED ACTION

Under the proposed action alternative, the isolated strip of public lands would be sold to the adjacent landowners. Funds from the sale would be placed in the FLTFA land disposal account and Santa Barbara County's tax base would benefit from the transfer of these lands into private ownership.

Air Quality

The proposed action would not result in impacts to air quality since no change in land use is anticipated.

Cultural Resources

Surveys and consultation with Native Americans failed to identify any cultural or historical properties or resources on the Tepusquet parcel. The proposed transfer of these lands to private ownership would, therefore, not result in impacts to cultural resources.

Biological Resources

The condition of biological resources would not be changed by the proposed transfer of ownership because land uses are expected to remain the same. Cattle would continue to be grazed on the portions of the parcel currently grazed. Public access to the parcel would continue to be restricted by the intervening private lands. Due to the steep terrain, most of the parcel is expected to remain in a relatively natural condition.

No federally or state listed plant or wildlife species nor their habitat were located on the Tepusquet parcel. The proposed transfer would not affect any threatened, endangered, or BLM sensitive species.

Recreation

The proposed transfer of the Tepusquet parcel would not affect recreation opportunities because there is no legal road or foot access for the public to the area. Members of the public desiring to recreate on these lands would continue to be required to be granted permission from the adjacent landowners to cross the private lands.

Soil Resources

The proposed transfer of public land by direct sale to adjacent landowners would not contribute to any direct impacts to soil resources, such as soil compaction or surface disturbance. The current land uses are anticipated to continue; therefore no indirect impacts such as accelerated erosion are expected.

Water Quality

The proposed transfer of public land by direct sale to adjacent landowners would not contribute to any direct impacts to water quality. The current land uses are anticipated to continue; therefore no indirect impacts are expected.

ALTERNATIVE 2: NO ACTION

Under the no action alternative, the public lands would not be sold to the adjacent landowners. No active BLM management is anticipated. However, some law enforcement and fuels management activities may be required by BLM as long as the parcels remain under Federal jurisdiction. Funds from the sale would not be placed in the FLTFA land disposal account and Santa Barbara County's tax base would not benefit from the transfer of these lands into private ownership.

Air Quality

There would be no impacts to air quality as a result of retaining public ownership of the Tepusquet parcel.

Cultural Resources

There would be no impacts to cultural resources as a result of retaining public ownership of the Tepusquet parcel because none were located during surveys or through consultation with Native Americans.

Biological Resources

Cattle would likely continue to be grazed on the portions of the parcel currently grazed. Public access to the parcel would continue to be restricted by the intervening private lands. Due to the steep terrain, most of the parcel is expected to remain in a relatively natural condition.

Recreation

Recreational opportunities would remain limited to the adjacent landowner or those with permission to cross private lands

Soil Resources

The current land uses are anticipated to continue; therefore no impacts are expected.

Water Resources

The current land uses are anticipated to continue; therefore no impacts are expected.

CUMULATIVE IMPACTS

A cumulative impact is the effect on the environment that results from the incremental effect of an action when added to the effect of other past, present, and reasonably foreseeable future actions, regardless of what agency or person undertakes the other actions and regardless of land ownership in which the actions occur.

The transfer of these public lands into private ownership is not expected to result in any direct or indirect impacts, as described above. Further, the BLM is not aware of any reasonably foreseeable federal, state, or private actions that would impact the open space and rural setting, nor significantly change the net acreage of public and private lands within the Coast Management Area as described in the Caliente RMP (p. 244). Therefore no cumulative impacts are anticipated.

Chapter 5. Consultation and Public Involvement

PERSONS, GROUPS, AND AGENCIES CONSULTED

The BLM consulted the following individuals, federal, state, and local agencies, and Native American tribes during the development of this EA.

Name	Title	Organization
Carmelita Cordero	Chairperson, Tribal Elders Council	Santa Ynez Band of Mission Indians
Janine Blaeloch	Director	Western Lands Project
Honorable Barbara Boxer	Senator	United States Senate
Honorable Lois Capps	Representative	United States House
Honorable Dianne Feinstein	Senator	United States Senate
Honorable Arnold Schwarzenegger	Governor	State of California
Ron Davis	Manager	Rancho Sisquoc
Janet Wolf	Chair	Santa Barbara County Board of Supervisors

SUMMARY OF PUBLIC PARTICIPATION

Public involvement concerning the disposal of the public land began during the analysis of the 1993 Draft Caliente RMP. The public was well informed on the RMP's objective to reposition properties within the Coast Management Area that do not fit into an active Bureau or cooperator resource management program for lands in areas that do. No specific comments were received regarding the Tepusquet Hiatus parcel. Responses to comments on the Draft RMP were incorporated into the Caliente RMP approved in May 1997.

Public involvement was pursued by the BLM with the issuance of a Notice of Realty Action that was published in the Federal Register on November 2, 2010 and will be published once a week for three consecutive weeks in the local newspaper. Public review and comments concerning the sale were solicited for a 45 day period during November and December 2010.

LIST OF PREPARERS

ID Team Member	Title	Organization
Timothy Z. Smith	Bakersfield Field Manager	BLM
Stephen Larson	Assistant Field Manager	BLM
Thomas Gey	CA State Office Realty Specialist	BLM
Karen Montgomery	CA State Office Realty Specialist	BLM
Diane Simpson	Realty Specialist	BLM
Denis Kearns	Botanist	BLM
Amy Kuritsubo	Wildlife Biologist	BLM
Kimberly Cuevas	Archaeologist	BLM
Tammy Whitley	Archaeologist	BLM
Gregg Wilkerson	Geologist	BLM
Jeff Prude	Petroleum Engineer	BLM
Peter De Witt	Outdoor Recreation Planner	BLM
Lisa M. Ashley	Natural Resource Specialist	BLM